

From Chechnya to Somaliland

The concept of protection of refugees in the context of the legal and the corporate culture of the office of the High Commissioner for Refugees

English Summary

The subject of the dissertation focused on the concept of protection applicable to the United Nations High Commissioner for Refugees “dedicated to saving lives, protecting rights and building a better future for refugees, forcibly displaced communities and stateless people”¹. The UN Refugee Agency claiming from the very beginning to be the ambassador of the refugees worldwide constitutes a thought-collective as defined by Ludwik Fleck, in his monograph: *Entstehung und Entwicklung einer wissenschaftlichen Tatsache. Einführung in die Lehre vom Denkstil und Denkkollektiv*². Fleck definition of the thought-collective focused on the elements of knowledge enhanced by the characteristics of culture as:

“...a community of persons mutually exchanging ideas or maintaining intellectual interaction: we will find by implication that it also provides the special “carrier” for the historical development of any field of thought as well as for the given stock of knowledge and level of culture”³.

The dissertation aims to explore intellectual interactions within the UNHCR collective that result in mutual transformations of thought-style of the Refugee Agency about the persecuted migrants, suffering and seeking protection referred to officially as “persons of concern to UNHCR”. UNHCR aspires to the role of the global refugee regime. The foundation of the UNHCR power as a key stakeholder of the global refugee regime is rooted in its “mutual understanding” that those “Others” fled their homes due to the well-founded fear of persecution, and the failure of the national protection mechanism who were not in place at their countries of origin or habitual residence. The words-symbols as “refugee”, “protection”, “human rights” and their meaning are changing and do not reflect the thought-style of the drafters of the 1951 Geneva Convention. The Office of the High Commissioner for Refugees established in 1950 to supervise the refugee rights globally is being considered in the dissertation as an example of the “anthropological tribe”, or a “closed society” affiliated to Mac World’s culture area. Writing the exotic in the book focuses on the UNHCR tribe with its own language, economy, social control mechanism, morals, belief, and rituals. The research involving fieldwork in the North Caucasus, the Central Asia, Turkey, Donbass in Ukraine and on the Horn of Africa were the rite of passage for the researcher who was incorporated into a group of anthropologists, as Elisabeth Dunn, or Michel Agier, applying the auto-ethnography qualitative research of the social phenomena associated with the protection of refugee communities⁴.

¹ <http://www.unhcr.org/about-us.html> [accessed: 17.10.2017].

² Published with the introduction Lothar Schäfer und Thomas Schnelle, *Entstehung und Entwicklung einer wissenschaftlichen Tatsache. Einführung in die Lehre vom Denkstil und Denkkollektiv*, Frankfurt 1980 (first published: Basel 1935); (published also in Polish): L. Fleck, *Powstanie i rozwój faktu naukowego. Wprowadzenie do nauki o stylu myślowym i kolektywie myślowym*, Lublin 1986.

³ Boston Studies in the Philosophy of Science. Volume 87. Cognition and Fact Materials on Ludwik Fleck, edited by Robert S. Cohen and Thomas Schnelle, Dordrecht 1986, p. XX.

⁴ M. Agier, The undesirables of the Word and how universality changed the camp, “Open Democracy” 16.05.2016, www.opendemocracy.net/michel-agier/undesirables-of-world-and-how-universality-changed-camp [dostęp 25.09.2017]. E. C. Dunn, A. Cowley, Capitalizing on Aid. Post-war Development and State-building in Georgia, [w:] *State and Legal Practice in the Caucasus. Anthropological Perspectives on Law and Politics*, S. Voell i I. Kaliszewska (red.), Ashgate: Burlington 2015, s. 171–186.

The objective of the research was to focus on the institutional problems of the humanitarian aid and the motivation crisis of the humanitarians inspired by the humanitarianism as an ideology. It was pragmatically relevant to answer the questions, why the humanitarian assistance and protection of refugees failed globally, and does not match with agenda developed by the UN leaders. The author wanted to find an answer why the refugee protection and assistance that should be rooted in the universal humanitarian concepts does not match the international principles.

Having written up the fieldwork research from the non-family duty stations of UNHCR, the author focused on economics, politics, law and social control, rituals and beliefs of the international civil servants tasked with the refugee protection and assistance. The modern humanitarianism social process and pressure from the *Aidland*-donors bolstered in exchange of funding the political authority of the Office of the High Commissioner for Refugees. The Refugee Agency integrated into own corporate culture the styles of thought of the political operator, and the main donor country. In return of the funding UNHCR was Americanizing its language, economy, social control mechanism, morals, belief, and rituals. The author argues that the Americanization of the corporate culture lowered own UNHCR *cross*-collective communication of thought skills with the refugees, and the hosting societies as described by examples in the North Caucasus, the Central Asia, Donbass (Ukraine), and the Horn of Africa. The current mass influx of refugees to Turkey and Europe and the funding crisis enhanced the communication of thought between UNHCR and the Islamic donors. According to the author it will affect the thought-style of the UN High Commissioner for Refugees. The thought-collective of UNHCR in Geneva looks for more and more funding and the Agency can integrate into the anticipated XXI century protection paradigm a new style of thought about protection of refugees rooted in the tradition of Islam. The new paradigm of protection could be built on the contributions from the new category of donors. According to the author UNHCR is ready to accept the contribution and to reciprocate, as it was the case in the past when the Global Refugee Agency thought-style was dominated by the American legal and corporate culture. Thought-style and seeing the others from the neo-colonial perspective, as described by author during his fieldwork in Somaliland, where UNHCR received an *aviso of resistance* from the clan's Elders, is now *taboo* in the Refugee Agency. According to the author the Islam culture area thought-style about protection of refugees will be globally, and smoothly transformed in the process of knowledge acquired and enhanced in the terms of practical experience of millions of Moslem refugees arriving to Europe.

Key words: Asylum Shopping, Assistance, Aviso of resistance, Cessation clause, Cluster system, Complaint Box, Community Services, Convention Travel Document, Country of Origin Information, Credibility Assessment, Displacement, Donors (Donor countries), Emergency Appeal, Ethics Office, Fundraising, Fraudulent application, Gender, Age, Sensitive Approach, Global Learning Centre, Goodwill Ambassador, Good practices, Harassment, The High Commissioner, Hotel Romeo, Inclusion clause, The International Refugee Regime, Implementing Partner, Inspector General, Internally Displaced Persons, Learn and Connect, Local Integration, Mandate refugee, Mass Influx of Refugees, Mass Influx of Refugees, Migration pact, National Officer, The Nansen Refugee Award, The

Nansen Passport, Needs' assessment, NGO Meeting, Oath, Party line, Partner Agency, Peaceful Coexistence Centre, Persons of concern to UNHCR, Pillar one, Pillar two, Pillar three, Pillar four, Protection, Protection report, Protection Officer, Recruitment of talents, Refugee Status Determination, Refugee Council, Refugee Clinic, Refugee Day, „R2P” - responsibility to protect, Rest & Relax, Responsible disengagement, Retreat, Rules of Conduct, Rules of Conduct Session, Safe Country of Origin, Safe Third Country, Standard Operation Procedure (SOP), The State of the World Refugees, Statelessness Status Determination, Success story, Substitution of a Population, Supervisor, Supervision, Temporary Protection, Thought-collective, Thought-style, Troika, Welfare Officer, Whistle-blower, Values of the United Nations.